

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEELCASE, INC. a Michigan
corporation,

Plaintiff,

v.

Case No.: 1:04cv0026
Hon. Robert Holmes Bell
Chief, U. S. District Judge

HARBIN'S INC., an Alabama
corporation, MICHAEL G. HARBIN
and HOPE D. HARBIN PATTERSON,

Defendants.

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**DEFENDANT MICHAEL G. HARBIN'S REQUEST TO ADMIT FACTS
DIRECTED TO PLAINTIFF STEELCASE, INC.**

PLEASE TAKE NOTICE that this Request to Admit Facts is directed to you pursuant
to FRCP 36.

You are required, **within 30 days** after service of these requests, to make the
following admissions for the purpose of this action only. A copy of your answers must be

provided to the undersigned attorneys. These Requests to Admit Facts shall be deemed continuing and supplemental answers are required if you, directly, or indirectly, obtain further, or different, information from the time your answers are served to the time of trial.

DEFINITIONS

- A. "Plaintiff" means **Plaintiff STEELCASE, INC.**
- B. "Defendant(s)" means **Defendant(s) MICHAEL G. HARBIN and/or HOPE D. HARBIN-PATTERSON**
- C. "You" means **Plaintiff STEELCASE, INC.**
- D. "Person" or "persons" mean any natural person, partnership, firm, association, joint venture, governmental agency, or other organization or entity.
- E. "Document" or "documents" means any written, printed, typed, computerized, electronic, optical, magnetically recorded, or graphic or photographic matter of any nature, and any audio or video recordings in your possession, custody and control, or known by you to exist or to have existed. All copies of documents containing any alterations, annotations, or that differ in any other way from the originals or copies referred to in the preceding sentence, are deemed separate documents from the originals or copies. Documents include but are not limited to books, records, papers, specifications, correspondence, communications, computer data, computer files, word processing files, electronic mail, electronic mail archives, computer backup data, voice mail, telegrams, memoranda, notes, notebooks, worksheets, reports, lists, analysis, summaries, ledgers, accounts, audits, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, minutes, stock ledgers, stock certificates, licenses, permits, calendars, appointment books, diaries, telephone bills and toll call records, expense reports, checkbooks, canceled checks, receipts, contracts, agreements, instruments, assignments, applications, offers, acceptances, proposals, financing statements, documents to title, appraisals, purchase orders, invoices, writing memorials of oral communications, forecasts, photographs, photographic slides or negatives, films, film strips, videos, tapes, and recordings whether or not privileged or work product, now or formerly in your actual or constructive possession, custody and control. Any electronically, magnetically, or optically recorded data includes all data that may have been logically deleted but not physically erased. "Document" is used as broadly as the Federal Discovery Rules will allow. Different versions of the same documents, drafts of documents, and documents with and without handwritten notations not found in the original are different documents.

F. "Communication" or "Communications" means any verbal, written, or electronically communicated statement by one person to or in the presence of one or more other persons including discussions, letters, conversations, consultations, meetings, conferences, telephone calls or any transfer of information from one person to another as well as the transfer of documents from one person to another.

G. "Identify", when used with reference to a natural person, means to state with respect to such person:

1. His/her name;
2. His/her present residence and business address and telephone number;
3. If present address and telephone number are not known, his/her last known address and telephone number;
4. The number and address of the person with whom he/she is employed or with whom he/she is affiliated;
5. His/her title, duty or position at his/her place or places of employment/affiliation; and
6. His/her past and present relationship to Defendants, including but not limited to, whether such relationship is of an employment, business or other nature.

H. "Identify", when used in reference to all persons who are not natural persons, means to state with respect to each such person:

1. The formal name, and if different, common name, assumed name or trade name of such person;
2. The principal business address and telephone number of the person, and if different, the address of the division(s) or sub-unit(s) principally involved with respect to the matter at issue;
3. If the address and telephone number referenced in 2 above are unknown, provide the last known address and telephone number; and
4. The nature of the business, duty or activities of the person, and if different, of the division(s) or sub-unit(s) principally involved with respect to the matter at issue.

I. "Identify", when used with respect to a document, means to produce such document along with your answers or to assign a number to such document starting with "1", or "A", and continuing consecutively for each document and to state:

1. Type of document (letter, memo, etc.);
2. The author/addressor of the document;
3. The addressee of the document;
4. All indicated or blind copies;

5. Date;
6. Number of pages;
7. Attachments or appendices;
8. Persons to whom it or its contents were distributed, shown or explained;
9. Present custodian;
10. Any applicable electronic mail address and the location and type of computer terminal, storage and retrieval hardware, software, and network involved in the creation, use, or storage of the document;
11. The identity of each natural person whose testimony could be used to authenticate the document.

All subsequent references to a document once identified may be made by stating the document identification number assigned by you pursuant to the above instruction

J. "Identify", "State", "Provide", or "Describe", when used with reference to a communication, fact, or event, means to:

1. State the name of the persons making or originating or involved in the communication, fact, or event referred to;
2. State the names of all persons to whom or in whose presence the communication, fact, or event referred to was made or occurred;
3. State when and where the communication, fact, or event referred to was made or occurred;
4. State the substance of the communication, fact, or event referred to; and
5. Identify all documents which embody, relate or refer to the communication, fact, or event referred to.

K. "Or" means "and/or".

L. Singular nouns and verbs shall be read as if plural and plural nouns and verbs shall be read as if singular where to do so will result in a more complete and accurate response to any discovery inquiry.

INSTRUCTIONS

A. Privilege/Work Product. For each communication or document, or portion thereof, for which a claim of privilege or work product is made:

1. State the name of the person making or originating the communication or document;

2. State the names of all persons to whom or in whose presence the communication or document was made;
3. State when and where the communication or document was made; and
4. Identify in the answer to the interrogatory wherein such claim is made the fact of such claim and the factual basis for the assertion of that claim in detail sufficient to permit the court to adjudicate the validity of the claim.

B. Missing Documents. If you know of the existence, past or present, of any document described in an interrogatory or answer, but that document is not presently in your possession, custody or control, you shall (1) so state; (2) identify the document; and (3) in the response to the interrogatory in question: (a) state the circumstances under which the document was in the possession, custody or control; (b) identify each person who had possession, custody or control of the document; and (c) state the circumstances under which the document is not now in your possession, custody and control.

REQUESTS TO ADMIT

1. Admit that Exhibit B to Plaintiff's Complaint was a personal Guaranty, dated June 6, 1993, by Defendants Michael G. Harbin and Hope D. Harbin - Patterson which was limited solely to those Purchase Orders (P00000405, P00000406, P00000413, P00000422, P00000433) identified therein.

ANSWER:

2. Admit that the Purchase Orders identified in Request to Admit 1 were paid in full prior to the year 2000.

ANSWER:

3. Admit that Exhibit C to Plaintiff's Complaint was a personal Guaranty, dated August 4, 1993, by Defendants Michael G. Harbin and Hope D. Harbin - Patterson which was limited solely to those Purchase Orders (P00000568, P00000521-B, P00000532, P00000557, P00000558) identified therein.

ANSWER:

4. Admit that the Purchase Orders identified in Request to Admit 3 were paid in full prior to the year 2000.

ANSWER:

By my signature below I swear that the above answers are true to the best of my information, knowledge, and belief.

STEELCASE, INC.

By: _____

Its: _____

_____ COUNTY)
>
STATE OF MICHIGAN).

SUBSCRIBED and SWORN to before me,
a Notary Public, on this ____ day of _____, 2005.

(signature)

(print/type name)

My Commission Expires: ____ / ____ / ____
Acting in the County of: _____

Dated: February 2, 2005

SILVERMAN, SMITH, BINGEN & RICE, P.C.
Attorneys for Defendant Michael G. Harbin

/s/ Robert W. Smith
Robert W. Smith (P31192)